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ATTORNEYS AT LAW

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DATE: February 4, 2005

TO: Darlene Lyon
PUBLICATIONS

COMPANY: USPTO

PHONE: 703-308-6789

FAX: 703-746-8188

FROM: Patt Wilson on behalf of LILA A. T. AKRAD

NUMBER OF PAGES (Including cover): 13

Per your request, please find the attached drawings, postcard and Letter to Official Draftsperson originally mailed December 22, 2003, as well as our follow-up communication mailed August 19, 2004:

APPLICANT : DUVICK et al.
SERIAL NO : 09/659,835
FILED : September 8, 2000
TITLE : AMINO POLYOL AMINE OXIDASE
POLYNUCLEOTIDES AND RELATED
POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638
Examiner : IBRAHIM, Medina Ahmed
Conf. No. : 2865
Docket No. : P05573US02 PHI 1134R

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December 22, 2003 Attorney Docket No. P05573US2

INVENTOR: DUVICK, et al.
TITLE: AMINO POLYOL AMINE OXIDASE
POLYNUCLEOTIDES & RELATED
POLYPEPTIDES AND METHODS OF USE
US SERIAL: 09/659,835 ~~659,835~~
FILED: September 8, 2000

Please acknowledge receipt:

Letter to Official Draftsperson (37 CFR 1.85) (2 pages)
2 Sheets Replacement Formal Drawings
Copy of Notice of Draftsperson's Patent Drawing Review

LATA/bja



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : DUVICK, et al.
SERIAL NO : 09/659,835
FILED : September 8, 2000
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND
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LETTER TO OFFICIAL DRAFTSPERSON
(37 C.F.R. § 1.85)

Mail Stop Issue Fee
Attn: Official Draftsperson
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowability mailed October 3, 2003, please amend the above-identified application as follows:

Applicants respectfully submit that the drawings have now been amended to be in compliance with 37 C.F.R. § 1.84. Please substitute the new drawing sheets 1 and 2 containing Figures 1A-1B (sheet 1) and 2A-2B (sheet 2) for the drawing sheets presently of record. No new matter has been added.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

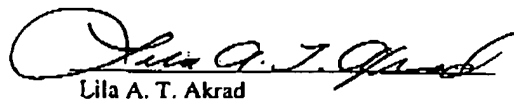
MAILING

☒ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop ISSUE FEE, Alexandria, VA 22313-1450.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-_____.

Date: 12/22/2003


Lila A. T. Akrad

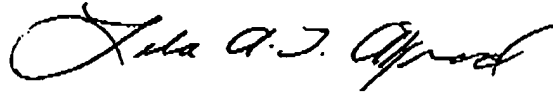
REMARKS

These drawing sheets include the corrections as required in the Notice of Draftperson's Patent Drawing Review enclosed herewith, dated September 25, 2003 in the above application. Please submit these new formal drawings in the place of the drawings presently of record.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



LILA A. T. AKRAD, Reg. No. 52,550
McKee, Voorhees & Sease, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 27142

Attorneys of Record

- bja/LATA -

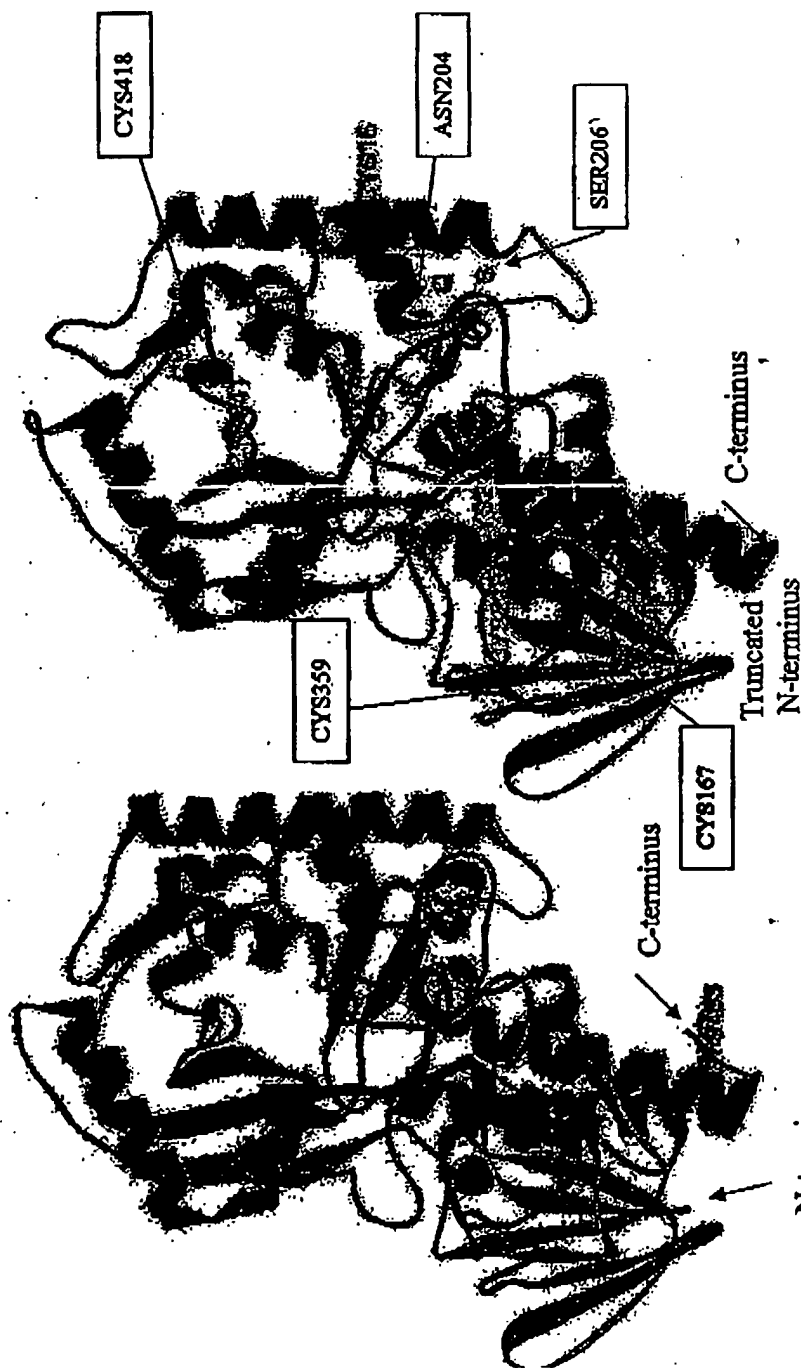


Figure 1B

Figure 1A

Applicant: DUVICK, et al.

Attorney Docket No. P005573US2

6: AMINO POLYOLANINE OXIDASE

POLYNUCLEOTIDES & RELATED POLYPEPTIDES
AND METHODS OF USE

REPLACEMENT Sheet 2 of 2

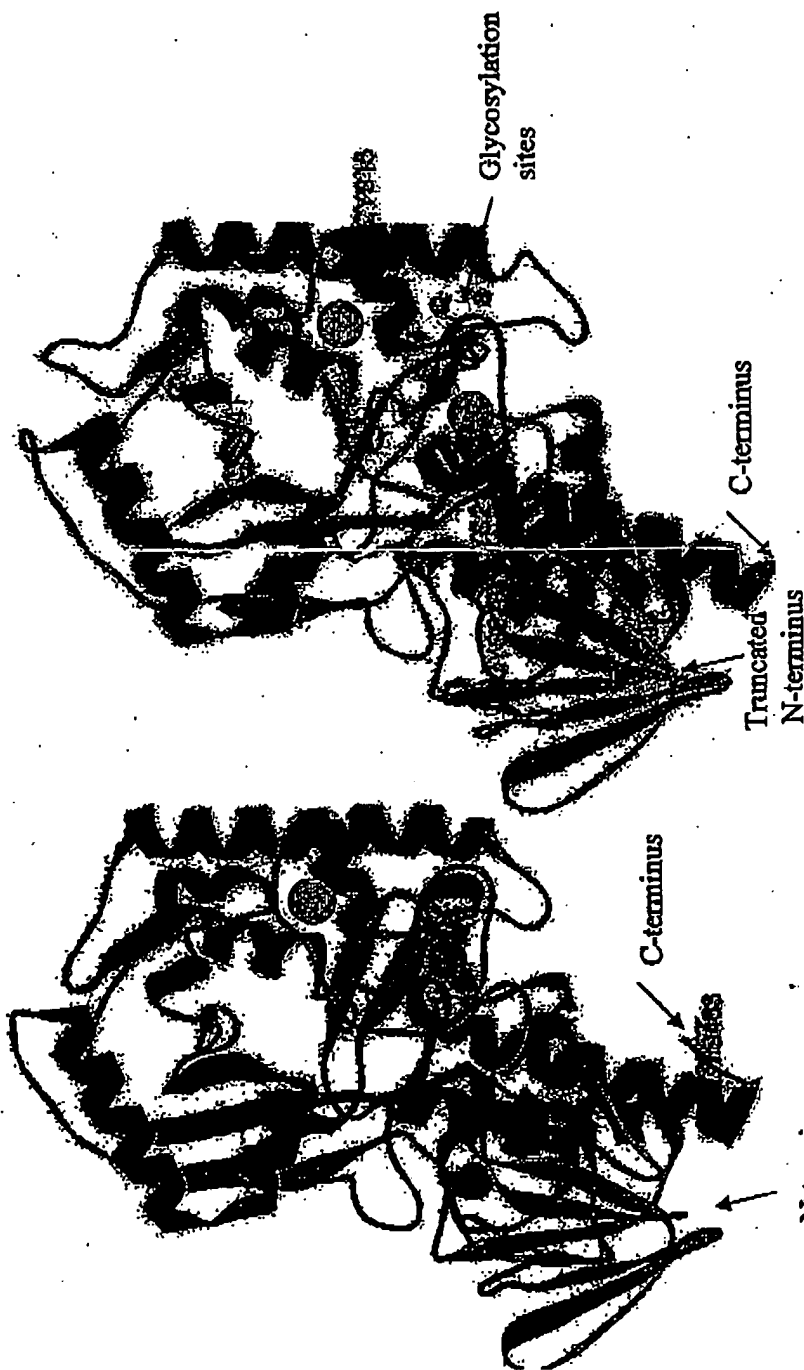


Figure 2B

Figure 2A

December 22, 2003 Attorney Docket No. P05573US2

INVENTOR: DUVICK, et al.
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P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION FOR WITHDRAWAL OF ABANDONMENT - PTO HAS NO
EVIDENCE THAT MAILED CORRESPONDENCE RECEIVED (37 C.F.R. § 1.8(b))**

REQUEST

Pursuant to 37 C.F.R. § 1.8(b), Applicants request that the abandonment in this case be
withdrawn.

PROMPTNESS OF THIS SUBMISSION

This information is being submitted promptly after Applicants have learned of the
abandonment on the basis of:

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

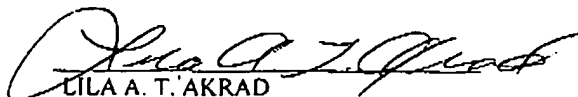
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Mail Stop Issue Fee,
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Alexandria, VA 22313-1450.

FACSIMILE

☐ transmitted by facsimile to the Patent
and Trademark Office, Art Unit 1638
at Fax No. (703) 872-_____

Date: 8/19/2004


LILA A. T. AKRAD

- ☒ the Notice of Abandonment mailed by the PTO on August 4, 2004.
- ☐ Applicants' own procedures in monitoring the progress of this case.

SUBMISSION

Submitted herewith is:

- ☒ A copy of the page of the response mailed on December 22, 2003, showing a Certificate of Mailing executed on December 22, 2003.
- ☒ A copy of the post card identifying the papers filed and showing the U.S. PTO receipt stamp dated December 29, 2003.
- ☒ A copy of the complete response previously filed.
- ☐ A copy of the cancelled check(s) referring to the response identified above.
- ☐ A copy of the attorney's Deposit Account Statement, in which the item corresponding to the response referred to above is noted.

STATEMENT

In response to the Notice of Abandonment dated August 4, 2004, please consider the following remarks and withdraw the holding of abandonment.

The Applicants properly replied to Notice of Draftperson's Patent Drawing Review dated September 25, 2003 on December 22, 2003. The Applicants submitted replacement formal drawings by First Class Mail and included a Return Postcard which was postmarked by the Patent Office December 29, 2003. A copy of the returned postcard is attached.

The Applicants received the Notice of Abandonment on August 9, 2004. The Applicants then promptly filed this Petition.

The Applicants supply an additional copy of the previously mailed Letter to Official Draftperson and Certificate, and replacement drawing sheets. In addition, I, the undersigned attorney as the signing attorney and Certificate of Mailing signatory, have personal knowledge

that the previous submission was timely mailed. Thus, the Applicants respectfully request that the holding of Abandonment be withdrawn on the basis that corrected drawings were timely mailed.

REQUEST FOR WITHDRAWAL OF ABANDONMENT

Acknowledgement of the active status of this application is respectfully requested.

Respectfully submitted,



LILA A. T. AKRAD, Reg. No. 52,550
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
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Fax No: (515) 288-1338
CUSTOMER NO: 27142

Attorneys of Record

- pw -

RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: DUVICK et al.

Serial No. 09/659,835-458,835

Filed September 8, 2000

Title: AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND RELATED
POLYPEPTIDES AND METHODS OF USE

Receipt is hereby acknowledged of the accompanying:

- Information for Withdrawal of Abandonment - PTO Has No Evidence That Mailed Correspondence Received (37 C.F.R. § 1.8(b))
- Copy of page of response mailed December 22, 2003 showing Certificate of Mailing executed December 22, 2003
- Copy of postcard identifying papers filed and showing U.S. PTO receipt stamp dated December 29, 2003
- Copy of complete response previously filed

This document and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, prior to 5:00 p.m. on the 19 day of August, 2004.

P05573US02

PHI 1134R

P020-847

LATA/pw

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : DUVICK, et al.
SERIAL NO : 09/639,835
FILED : September 8, 2000
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND
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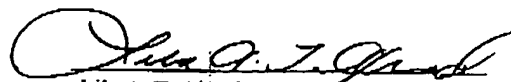
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Date: 12/22/2003


Lila A. T. Akrad